



U.S. Department of Justice

United States Attorney
Western District of Pennsylvania

Joseph F. Weis, Jr. U.S. Courthouse
700 Grant Street
Suite 4000
Pittsburgh, Pennsylvania 15219

412/644-3500

April 30, 2021

Charles A. DeMonaco, Esquire
Fox Rothschild LLP
BNY Mellon Center
500 Grant Street, Suite 2500
Pittsburgh, PA 15219

Re: United States of America v.
Insight Pipe Contracting, LLC
Criminal No. 3:21-17

Dear Mr. DeMonaco:

This letter sets forth the agreement by which your client, Insight Pipe Contracting, LLC ("Insight Pipe"), will enter a plea of guilty in the above-captioned case. The letter represents the full and complete agreement between Insight Pipe and the United States Attorney for the Western District of Pennsylvania. The agreement does not apply to or bind any other federal, state, or local prosecuting authority.

Upon entering a plea of guilty, Insight Pipe will be sentenced under the Sentencing Reform Act, 18 U.S.C. § 3551, et seq. and 28 U.S.C. § 991, et seq.

A. The defendant, Insight Pipe, agrees to the following:

1. Insight Pipe will waive prosecution by indictment and enter a plea of guilty to Count One of the Information (a draft copy of which is attached as Exhibit A) at Criminal No. _____, charging Insight Pipe with violating 29 U.S.C. § 666(e), pursuant to Rule 11 of the Federal Rules of Criminal Procedure.

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2. At the time Insight Pipe enters a plea of guilty, Insight Pipe will deposit a special assessment of \$50.00 in the form of cash, check, or money order payable to "Clerk, U.S. District Court". In the event that sentence is not ultimately imposed, the special assessment deposit will be returned.
3. Insight Pipe waives the right to take a direct appeal from a conviction or sentence under 28 U.S.C. § 1291 or 18 U.S.C. § 3742, subject to the following exceptions:
 - (a) If the United States appeals from the sentence, Insight Pipe may take a direct appeal from the sentence.
 - (b) If the sentence exceeds the applicable statutory limits set forth in the United States Code, Insight Pipe may take a direct appeal from the sentence.

Defendant further waives the right to file a motion to vacate sentence under 28 U.S.C. § 2255, attacking the conviction or sentence and the right to file any other collateral proceeding attacking the conviction or sentence.

Nothing in the foregoing waivers of rights shall preclude the defendant from raising a claim of ineffective assistance of counsel in an appropriate forum, if otherwise permitted by law. The defendant understands that the government retains its right to oppose any such claim on procedural or substantive grounds.

B. In consideration of and entirely contingent upon the provisions of Parts A and C of this agreement, the United States Attorney for the Western District of Pennsylvania agrees to the following:

1. The United States Attorney retains the right of allocution at the time of sentencing to advise the sentencing Court of the full nature and extent of the involvement of Insight Pipe in the offense charged in the Information and of any other matters relevant to the imposition of a fair and just sentence.
2. The United States Attorney will take any position he deems appropriate in the course of any appeals from the sentence or in response to any post-sentence motions.

C. Insight Pipe and the United States Attorney further understand and agree to the following:

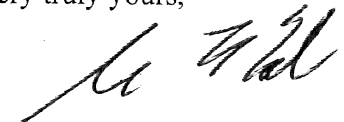
1. The penalty that may be imposed upon Insight Pipe is:
 - (a) A fine not to exceed \$500,000.00 (18 U.S.C. § 3571(c)(4));

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- (b) A term of probation of not more than 5 years; and
 - (c) A special assessment under 18 U.S.C. § 3013 of \$50.00;
2. Pursuant to Rule 11(c)(1)(C), the parties stipulate and agree that the appropriate sentence in this case is a term of probation of 3 years, a special assessment of \$50.00, and a fine of \$20,000.00.
 3. Consistent with Rule 11(c)(1)(C), the Court may accept the plea agreement, reject the plea agreement, or defer a decision until it reviews the presentence report. If the Court rejects the plea agreement, consistent with Rule 11(c)(5), the defendant will have the opportunity to withdraw a guilty plea.
 4. Pursuant to the Standing Order of the United States District Court dated May 31, 2017, all plea letters shall include a sealed Supplement. The sealed Supplement to this plea letter is part of the agreement between the parties hereto.

This letter sets forth the full and complete terms and conditions of the agreement between Insight Pipe Contracting, LLC and the United States Attorney for the Western District of Pennsylvania, and, with the exception of Insight Pipe's Settlement Agreement with United States Secretary of Labor at OSHRC No. 18-1727, Inspection No. 1310671, there are no other agreements, promises, terms or conditions, express or implied.

Very truly yours,



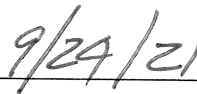
STEPHEN R. KAUFMAN
Acting United States Attorney

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I have received this letter from my attorney, Charles A. DeMonaco, Esquire, have read it and discussed it with him, and I understand the terms of the Agreement. I hereby accept it and acknowledge that it fully sets forth my agreement with the Office of the United States Attorney for the Western District of Pennsylvania. I affirm that there have been no additional promises or representations made to me by any agents or officials of the United States in connection with this matter.

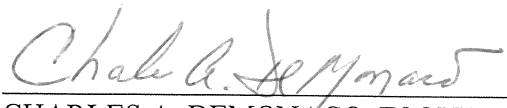


INSIGHT PIPE CONTRACTING, LLC



Date

Witnessed by:



CHARLES A. DEMONACO, ESQUIRE
Counsel for Insight Pipe Contracting, LLC